

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

*(Write the District and Division, if any, of the  
court in which the complaint is filed.)*

SHELBY J REED

**Complaint for Violation of Civil  
Rights**

(Prisoner Complaint)

Case No. \_\_\_\_\_  
(to be filled in by the Clerk's Office)

*(Write the full name of each plaintiff who is filing  
this complaint. If the names of all the plaintiffs  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)*

<sup>-against-</sup>  
Missouri state public  
Defender office

*(Write the full name of each defendant who is  
being sued. If the names of all the defendants  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names. Do not include  
addresses here.)*

**REQUEST FOR TRIAL BY JURY**

Plaintiff requests trial by jury. ☒ Yes ☐ No

# I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shelby J REED

All other names by which you have been known:

JAMES Shelby REED

ID Number

(INMATE #) 30930

Current Institution

Taney County Jail

Address

P.O. Box 1005

Forsyth, MO 65653

## B. The Defendant(s)

- Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.
- Make sure that the defendant(s) listed below are identical to those contained in the above caption.
- For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.
- Attach additional pages if needed.

Defendant No. 1

Name

Missouri State public defender  
System

Job or Title  
(if known)

Shield Number

Employer

Address

ROD HACKATHORN,  
630 N Robberson  
Springfield, MO 65806

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

\_\_\_\_\_

Job or Title  
(if known)

\_\_\_\_\_

Shield Number

\_\_\_\_\_

Employer

\_\_\_\_\_

Address

\_\_\_\_\_

☐

Individual capacity

☐

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

☐

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights.

What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

“

Rights to Due process”

“Rights to speedy trial”

“Rights to Legal Appointed Attorney”

# "Statement CLAIM"      PG-5-A

I WAS arrested on 5.18.18 for the alleged crime of tampering w/motor vehicle in the 1st degree, I filled out my 1st public Defender form following my arraignment hearing in Judge YARNELL'S COURT ROOM so that I could GAIN proper needed counsel and representation.

On 5.25.18 I went back to Judge YARNELL'S COURT room for my Bond reduction hearing, AS the transcripts would show the public Defenders office mentioned I WAS still Awaiting A Attorney to become available to handle my case.

On the month of June I had another Scheduled court hearing in Miss YARNELL'S COURT Room but again NO Attorney WAS yet Available to take my cases, And WAS told I WAS on the List.

On July 9th, I WAS back yet AGAIN in Miss YARNELL'S COURT room here in Taney County, And Me And the Judge WAS then told that I for some reason WAS showing Approved for counsel but still WAS not Assigned A public Defender.

I then Filled out A 2nd public Defender form AS instructed by Judge YARNELL who WAS Also very upset With the Missouri public Defenders office, I Filled this Second form out why in the COURT Room.

I'm Now Set for Court Again on Aug 13th @ 9AM and still AS of today's Date 7-30-18 have yet to receive proper defense Counsel,

These Above Explained events happen to me While incarcerated in Taney County Jail, I Am still Awaiting to began my court proceedings After All this

Time, this here by violates my right to have  
A Court Appointed Attorney if negligent, my  
Right to due process and Speedy trial as well,  
this has caused tremendous Stress And  
mental anguish on me and my family,

Shelly Reed  
~~Shelly Reed~~

7-20-18

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

SEE ATTACHED PAGE (5-A)  
STATEMENT CLAIM

## VI RELIEF

PB: 6-B

### <ACTUAL DAMAGES>

There's no ACTUAL DAMAGES financially  
How ever the Lack of Counsel has caused  
me not to be able to WORK,

### (Punitive Damage)

The Lack of Counsel has set me back  
in court proceeding by 3 months, which  
since I've been incarcerated missing  
the Birth of my twins being born  
on July 7th, 2018, And has Affected  
And Suffered stress on me and my  
family,

I'm Requesting financial compensation  
in the dollar Amount of \$200,000  
And to be appointed a private Counsel  
to represent me due to conflict  
of interest with the public defenders  
office specifically dealing with  
this matter,

Shelsy Reed



## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No physical injuries sustained, just a lot of mental anguish and torment and also anxiety outbreak due to my babies ~~born~~ born July 7<sup>th</sup> due to the negligence of the state's public defenders office I missed the birth of my kids cause the judge wouldn't hear my case with out ~~an~~ A Attorney present on my behalf.

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Drop out  
Drop all bad bad habits and bad friends.  
This country is free.  
I will be a good citizen and spend my life  
in the service of my country.

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.



- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes  
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Taney County Jail

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes  
☐ No  
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes  
☒ No  
☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes  
☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐

Yes

☒

No

E. If you did file a grievance:

1. Where did you file the grievance?

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2. What did you claim in your grievance? *(Attach a copy of your grievance, if available)*

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3. What was the result, if any? *(Attach a copy of any written response to your grievance, if available)*

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4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

My issue is with the Missouri state  
public defender office/system,  
there is no Grievance procedure  
to follow,

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I spoke to "Judge YARNELL" of Taney County,  
she stated she could forward no legal advice  
and set my court docket back another 30 days  
waiting a attorney to be offered to me.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I wrote a letter seeking a resolution to this  
matter and have yet to receive any type  
of response in the matter,

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐  
☒

Yes  
No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- \_\_\_\_\_
- \_\_\_\_\_
- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes  
☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes  
☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

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- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes  
☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes  
☐ No *(If no, give the approximate date of disposition):*

\_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
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## IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 17, 2018.


Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City State Zip Code

  
Shelby REED  
30930  
TANEY CO. JAIL  
P.O. BOX 1005 FORSYTH, MO 65653

WESTERN DISTRICT OF MISSOURI  
U.S. DISTRICT COURT  
222 SOUTH L. LAMAR ST. PKWY  
SPRINGFIELD, MO 65806  
OFFICIAL BUSINESS

SHELLEY REED  
IAN 24 County JAIL  
P.O. Box 1005  
FORSYTH, MO 65653

CORRESPONDENCE  
FROM A  
CORRECTIONAL FACILITY



REC'D JUL 31 2018

CLERKS OFFICE  
UNITED STATES District Court  
Western District of Missouri  
1400 U.S. Court House  
222 John Q. Hammonds Pkwy  
Springfield, MO 65806

(Sent Mail)

